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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

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11 MICHAEL SATTARI,

12 Plaintiff,

13 vs.

14 CITIMORTGAGE, a California Corporation,  
15 DOES I through X, and ROES I through X,

16 Defendants.

Case No.: 2:09-cv-00769-RLH-GWF

**ORDER**

(Motion to Expunge Lis Pendens—#73)

17 Before the Court is Defendant Citimortgage's **Expunge Lis Pendens** (#73), filed  
18 March 28, 2011. Plaintiff Michael Sattari did not oppose this motion.

19 **BACKGROUND**

20 On April 30, 2009, Sattari filed a complaint in this Court alleging lender  
21 misconduct related to the real property located at 6537 Ruby Red Circle in Las Vegas, Nevada.  
22 On March 23, 2011, the Court granted Cititmortgage's Motion for Summary Judgment (#67) on  
23 Sattari's claims. (Dkt. #71, Order.) Citimortgage has now filed the instant motion asking the  
24 Court to expunge and release all versions of Sattari's lis pendens on the 6537 Ruby Red Circle  
25 property. For the reasons discussed below, the Court grants Citimortgage's motion.

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1 **DISCUSSION**

2 **I. Lis Pendens**

3 Pursuant to NRS 14.015(2) and (3), a party who records a lis pendens must  
4 establish that: (1) the action was not brought in bad faith, (2) he is able to perform any condition  
5 precedent to the relief sought in the action as it affects the title or possession of the property, (3) he  
6 is likely to prevail in the action or has a fair chance of prevailing, and (4) he would suffer greater  
7 hardship than the defendant if the lis pendens were expunged and title was transferred.

8 The Court finds that an order expunging and releasing the lis pendens proper  
9 because Sattari has not established the requirements for a lis pendens under Nevada law. Most  
10 importantly, Sattari failed to establish a genuine issue of material fact for trial. Accordingly, the  
11 Court grants Citimortgage's motion.

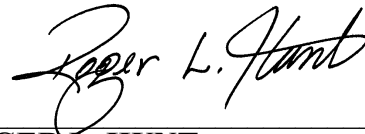
12 **CONCLUSION**

13 Accordingly, and for good cause appearing,

14 IT IS HEREBY ORDERED that Defendant Citimortgage's Motion to Expunge Lis  
15 Pendens (#73) is GRANTED.

16 IT IS FURTHER ORDERED THAT any and all versions of a lis pendens or notice  
17 of pendency recorded by Plaintiff Michael Sattari in connection with this lawsuit be expunged,  
18 extinguished, and/or released.

19 Dated: May 20, 2011.

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21 **ROGER L. HUNT**  
22 **United States District Judge**